



County of San Diego

DEPARTMENT OF PUBLIC WORKS

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MITIGATED NEGATIVE DECLARATION

July 17, 2009

Project Name: Lawson Valley Road Bridge Replacement Project

Project Number(s): 1005222

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Natural Environmental Study (NES), Visual Impact Assessment (VIA), Archeological Evaluation Report for CA-SDI-16,648 within the Lawson Valley Road Bridge Replacement Project, San Diego County, California, Archeological Survey for the Lawson Valley Road Bridge Replacement Project, and Water Quality Report (WQR).
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the

comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. BIOLOGICAL RESOURCES

a. Coast Live Oak Riparian Forest Mitigation

Mitigation will be required for all permanent and temporary impacts to coast live oak riparian forest. Permanent impacts to 0.127 acre of coast live oak riparian forest (CDFG riparian habitat) will require mitigation at a ratio of 2:1, for a total of 0.254 acre. Temporary impacts to 0.329 acre of coast live oak riparian forest (CDFG riparian habitat) will require mitigation at a ratio of 1:1, for a total of 0.329 acre.

Temporary impacts will be mitigated on-site through revegetation of all temporarily impacted areas.

Permanent impacts will be mitigated on-site through enhancement of 0.254 acre of the existing coast live oak riparian forest within the PIA, 0.143 acre of which is within the existing right-of-way (ROW). This on-site mitigation area is shown as "Coast Live Oak Riparian Forest Enhancement" on Figure 10, attached. A conceptual mitigation plan will be prepared which will propose specific enhancement/restoration activities to occur.

b. Southern Willow Scrub Mitigation

Mitigation will be required for all temporary impacts to southern willow scrub. Temporary impacts to 0.036 acre of southern willow scrub (ACOE wetland/CDFG riparian habitat) will require mitigation at a ratio of 1:1, for a total of 0.036 acre.

Temporary impacts will be mitigated on-site through revegetation of all temporarily impacted areas.

c. Non-native Grassland Mitigation

Mitigation will be required for all permanent and temporary impacts to non-native grassland. Permanent impacts to 0.015 acre of non-native grassland will require mitigation at a ratio of 0.5:1, for a total of 0.008 acre. Temporary impacts to 0.145 acre of non-native grassland will require mitigation at a ratio of 1:1, for a total of 0.145 acre.

Temporary impacts will be mitigated through on-site revegetation of all temporarily impacted areas.

Permanent impacts will be mitigated on-site through restoration of existing non-native grassland to native grassland. The area proposed for restoration of native grassland is located within the existing ROW.

d. Wetlands and Other Waters Mitigation

Temporary impacts to ACOE non-wetland waters and CDFG streambed will be mitigated on-site through restoration of all temporarily impacted areas to pre-impact contours and vegetation.

Permanent impacts to ACOE non-wetland waters will be mitigated on-site through creation. The proposed project will result in widening of the streambed beneath and upstream of the bridge. This will provide approximately 0.008 acre of on-site creation of ACOE non-wetland waters/CDFG streambed, which would account for the required 0.005 acre of mitigation for impacts to ACOE non-wetland waters and provide an additional 0.003 acre of ACOE non-wetland waters/CDFG streambed creation.

e. San Diego Sagewort Mitigation

Impacts to one individual species will be included in the seed and container stock palette for restoration efforts that will occur during post-construction.

B. CULTURAL RESOURCES

- a. No excavation within the cultural site will occur to ensure avoidance of all bedrock milling features as well as avoidance of the creek bank area.
- b. Installation of temporary fencing to delineate CA-SDI 16,648 site boundaries and identify the area as an Environmentally Sensitive Area (ESA). The ESA will protect the archaeological site from adverse effects and restrict ground disturbing activities within the ESA.
- c. Construction monitoring by a qualified archaeologist and a Native American will occur during construction to provide further protection to site CA-SDI-16,648. If any artifacts are discovered during construction monitoring, they will be curated at a permanent curatorial facility for archaeological collections.
- d. No oak trees, which contribute to the setting of the archaeological site will be removed within the site itself.
- e. One oak tree within the archeological deposit, will be protected by a type of retaining wall that is placed on the ground surface and requires no excavation or footing.

- f. No excavation or cutting will take place within the archeological site, only fill will be allowed.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. BIOLOGICAL RESOURCES

a. Cooper's Hawk and Common Raptors Avoidance and Minimization efforts

To avoid potential impacts to any nesting raptor species and/or migratory birds, the following construction limitations shall apply:

- i. No construction will occur between February 1 and July 1; or
 - ii. If construction activities are proposed during the raptor breeding season (February 1 through July 1), a County-approved, qualified biologist will perform a survey to determine the presence or absence of nesting birds within 300 feet of the PIA and nesting raptors within 500 feet of the PIA to be completed not more than 10 days prior to initiation of construction activities, the results of which must be submitted to the County for review and approval prior to initiating construction; and
 - iii. If active raptor nests are identified during the preconstruction survey a biological monitor shall be present on-site as necessary during construction; and
 - iv. The biological monitor shall ensure that perimeter construction fencing is being maintained to minimize construction impacts and ensure that no nest containing eggs or chicks is "taken", as defined by the MBTA or Fish & Game Code Section 86, until all young have fledged or the nest becomes inactive.
- b. All coast live oak trees will be protected in place where possible. Trees that are immediately adjacent to the realignment of Lawson Valley Road and located within fill slopes will be protected with retaining walls. The retaining walls are designed to be minimally invasive with respect to the trees' root systems.

B. CULTURAL RESOURCES

- a. The pipes scheduled to be under the private road and driveway will be placed on the ground surface and covered with soil, requiring no excavation.
- b. Rock slope protection features, in the form of rock-lined ditches, will be placed within the boundaries of the archeological site instead of concrete lined brow-ditches in order to eliminate any excavation or ground disturbing activities.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Malia Durand, Environmental Planner

DPW Environmental Services Unit